

### **REMARKS**

This case has been reviewed and analyzed in view of the Official Action dated 30 September 2004. Responsive to the rejections made by the Examiner in the outstanding Official Action, Claims 13, 16, and 17 have now been amended in order to more clearly clarify the inventive concept of the Applicant.

Additionally, it is respectfully noted that the Examiner has stated in the outstanding Official Action that Claims 1-12 were allowed and that Claim 18 was objected to as being dependent upon a rejected base Claim, but would be allowable if rewritten in Independent form including all of the limitations of the base Claim and any intervening Claims. Claim 18 has now been canceled from this case and the limitations of Claim 18 have been incorporated into newly-amended Independent Claim 13. Thus, it is believed that the subject Patent Application has now been placed in condition for allowance, and such action is respectfully requested.

Prior to a further discussion of the objections and rejections made in the outstanding Official Action, it is believed that it may be beneficial to briefly review the subject Patent Application system in light of the inventive concept of the Applicant. The subject Patent Application is directed to a system and method for the separation of immiscible fluids. In the system shown in the Figure, a hollow vessel is provided for receiving a mixture of fluids, with the first fluid having a density less than the density of the second fluid and the two fluids being immiscible. A separation medium is provided

having a density greater than the density of the first fluid and a density less than the density of the second fluid, thus allowing the first fluid to rise to the top of the hollow vessel and the second fluid to sink to the bottom of the vessel, with the two fluids being separated by the separation medium. Further, a hollow tube is provided and is received within the hollow vessel with the first and second fluids being charged into the interior region of the hollow tube, which is immersed within the separation medium.

The Examiner has rejected Claims 13-17 under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over the Anderson reference EP 0119014. It is the Examiner's contention that though the Anderson reference does not explicitly disclose that the water acts as a separation medium, the water is inherently separating for creosote and oil, since creosote inherently settles through water and oil inherently rises out of water. Alternatively, the Examiner submits that the water is capable of separating creosote and oil and therefore meets the claimed limitation.

The Anderson reference is directed to an apparatus and method for physically separating a mixture of two or more liquids. The system is utilized for the separation of the mixture of oil, water, and creosote, with the water acting as a "middle" or "medium" density liquid, allowing the oil to rise out of the water and the creosote to sink or settle out of the water. Though the reference does teach the use of three separate liquids, the system does not provide for a hollow tube received within the larger vessel.

In the system of the subject Patent Application, as shown in the Figure, mixture 20 enters primary tube 80 and is forced upward therethrough by the action of pump 110. Within the primary tube 80 is the combination of the separation medium 70, first fluid 40, and second fluid 60. The second fluid 60 has a greater density than that of the separation medium 70 and settles out of the overall mixture 20 and passes by gravity assist through annular opening 31. In a similar manner, first fluid 40, having a density less than the density of the separation medium 70, rises within primary tube 80 and is expelled into upper region 120 being defined by second interface surface 21.

The primary tube 80 provides for a barrier against any stray currents or turbulence formed within separation medium 70, which may act to slow down or hinder the separation process of first and second fluids 40 and 60, respectively.

The Anderson reference does not teach or suggest the use of a hollow tube, or any other structure, for reducing currents and turbulence formed within the water. Thus, the Anderson reference does not provide for: "...providing a hollow tube, said hollow tube being received within said hollow vessel...said first and second fluids being received within an interior region of said hollow tube, said hollow tube being immersed in said separation medium...", as is clearly provided by newly-amended Independent Claim 13.

Thus, it is not believed that the subject Patent Application is anticipated by, or made obvious by, the Anderson reference when Independent Claim 13 is carefully reviewed.

The Examiner has additionally rejected Claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over the Anderson reference. It is the Examiner's contention that it would have been obvious for the skilled artisan to have modified the invention of Anderson such that it includes using check valves.

As described above with regard to the rejection of Claims 13-17, the Anderson reference does not teach or even suggest the use of a hollow tube or similar structure for blocking or removing stray currents or turbulence formed within the separation medium, which in this case is water.

In the system of the subject Patent Application, a hollow tube 80 is received within the separation medium, with the first and second fluids being charged into the interior of the hollow tube 80 in order to allow separation of the first and second fluids in an environment free from stray currents and turbulence, thus allowing for a more efficient separation of the two media.

Thus, the Anderson reference does not provide for: "...providing a hollow tube, said hollow tube being received within said hollow vessel...said first and second fluids being received within an interior region of said hollow tube, said hollow tube being immersed in said separation medium...", as is clearly provided by newly-amended Independent Claim 13.

Thus, it is not believed that the subject Patent Application is made obvious by the Anderson reference when Independent Claim 13 is carefully reviewed.

MR2287-13

Application Serial No. 10/644,819

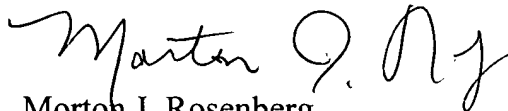
Responsive to Office Action dated 30 September 2004

It is now believed that the remaining Claims 1-12, 14-17, and 19-20 show patentable distinction over the prior art cited by the Examiner for at least the same reasons as those previously discussed for Independent Claim 13.

The remaining references cited by the Examiner, but not used in the rejection, have been reviewed, but are believed to be further removed when patentable distinctions are taken into account than those cited by the Examiner in the rejection.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,



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